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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BENJAMIN COTTMAN,

Defendant.

CASE NO. 2:18-cr-00129-JCM-DJA-1

STIPULATION AND ORDER TO CONTINUE SENTENCING (EIGHTH REQUEST)

IT IS HEREBY STIPULATED by and between Defendant, Benjamin Cottman, by and through his counsel, Paola M. Armeni, Esq., of the law firm of Clark Hill PLLC and the Plaintiff, United States of America, by and through Allison Reese, Esq., Assistant United States Attorney, that the sentencing hearing, which is currently scheduled for February 18, 2022, at 11:00 a.m., be vacated and rescheduled to a day and time convenient to the Court but not earlier than sixty (60) days.

This Stipulation is entered into for the following reasons:

1. Paola M. Armeni was appointed by this Court as counsel for Mr. Cottman on October 22, 2021.
2. Ms. Armeni has reviewed the three prior counsel's files and has determined that she needs additional information to thoroughly prepare for sentencing on Mr. Cottman's behalf.
3. Namely there are documents relied on by the Government's doctor that will not be produced to the Government or defense counsel without a Certificate of Identification.

1 4. Additionally, prior counsel had made a request for documents from BOP, but it does not
2 appear from the files, that the BOP complied with the request. The BOP will not speak to Mr.
3 Cottman's current counsel, until they provide a Certificate of Identification.

4 5. A Certificate of Identification has been provided to Mr. Cottman and defense counsel is
5 awaiting an executed copy.

6 6. Defense counsel is further exploring other areas of mitigation that will be important for the
7 Court to consider in determining a sufficient but not greater than necessary sentence.

8 7. Mr. Cottman has appeared in this case, and is in custody and, along with the government,
9 agrees to this short continuance.

10 8. The additional time requested herein is not sought for purposes of delay and the denial of
11 this request for a continuance could result in a miscarriage of justice.

12 9. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a sentencing
13 hearing for good cause. Good cause exists in this case.

14 10. For all the above-stated reasons, the ends of justice would be best served by a short
15 continuance of the sentencing hearing.

16 11. This is the eighth request for a continuance of the sentencing hearing.

17 UNITED STATES ATTORNEY
18 DISTRICT OF NEVADA

CLARK HILL PLLC

19 DATED this 2nd day of February, 2022.

DATED this 2nd day of February, 2022.

20 /s/ Allison Reese
21 Allison Reese, Esq.
22 Assistant United States Attorney
Attorney for Plaintiff,
UNITED STATES OF AMERICA

/s/ Paola M. Armeni
PAOLA M. ARMENI
Attorney for Defendant,
Benjamin Cottman

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 vs.

6 BENJAMIN COTTMAN,

7 Defendant.

CASE NO. 2:18-cr-00129-JCM-DJA-1

8
9 **FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

10 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
11 Court hereby finds that:

12 **CONCLUSIONS OF LAW**

13 Based on the fact that counsel has agreed to a continuance, the Court hereby concludes
14 that:

15 1. Paola M. Armeni was appointed by this Court as counsel for Mr. Cottman on October 22,
16 2021.

17 2. Ms. Armeni has reviewed the three prior counsel's files and has determined that she needs
18 additional information to thoroughly prepare for sentencing on Mr. Cottman's behalf.

19 3. Namely there are documents relied on by the Government's doctor that will not be
20 produced to the Government or defense counsel without a Certificate of Identification.

21 4. Additionally, prior counsel had made a request for documents from BOP, but it does not
22 appear from the files, that the BOP complied with the request. The BOP will not speak to Mr.
23 Cottman's current counsel, until they provide a Certificate of Identification.

24 5. A Certificate of Identification has been provided to Mr. Cottman and defense counsel is
25 awaiting an executed copy.

26 6. Defense counsel is further exploring other areas of mitigation that will be important for the
27 Court to consider in determining a sufficient but not greater than necessary sentence.
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1 7. Mr. Cottman has appeared in this case, and is in custody and, along with the government,
2 agrees to this short continuance.

3 8. The additional time requested herein is not sought for purposes of delay and the denial of
4 this request for a continuance could result in a miscarriage of justice.

5 9. Federal Rule of Criminal Procedure 32(b)(2) permits this Court to continue a sentencing
6 hearing for good cause. Good cause exists in this case.

7 10. For all the above-stated reasons, the ends of justice would be best served by a short
8 continuance of the sentencing hearing.

9 11. This is the eighth request for a continuance of the sentencing hearing.

10 **ORDER**

11 **IT IS HEREBY ORDERED** that the sentencing hearing in this matter scheduled for
12 February 18, 2022, at the hour of 11:00 a.m. is hereby vacated and continued to the **22nd day of**
13 **April, 2022**, at the hour of **10:30 a.m.**, in Courtroom 6A.

14
15 **DATED** February 4, 2022.

16
17 
18 **JAMES C. MAHAN**
UNITED STATES DISTRICT COURT JUDGE
CASE NO.: 2:18-cr-00129-JCM-DJA-1